

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

UNITED STATES OF AMERICA

CASE NO. 6:20-CR-00046-01

VERSUS

JUDGE JUNEAU

ALEX SIMIEN JR (01)

MAGISTRATE JUDGE HANNA

**REPORT AND RECOMMENDATION ON
FELONY GUILTY PLEA BEFORE THE UNITED STATES MAGISTRATE
JUDGE**

Pursuant to Title 28, United States Code, Section 636(b), and with the written and oral consent of the defendant, this matter has been referred by the District Court for administration of guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

This cause came before the undersigned United States Magistrate Judge for a change of plea hearing and allocution of the defendant, Alex Simien, Jr., on October 23, 2020. The defendant was present with his counsel.

For the proceeding, the United States Attorney, defense counsel, and the court reporter all appeared by videoconference. The defendant was in the Lafayette Parish Correctional Center and appeared by videoconference. The defendant consented to appearing by videoconference, and both he and his lawyer explained they had discussed the matter. His image and voice were clear, and the undersigned confirmed he could see and hear the undersigned and the lawyers clearly.

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The Court proceeded without the defendant physically present because, during the national emergency created by the novel coronavirus, he could not be physically present without seriously jeopardizing public health and safety. See Proclamation Number 25 JBE 2020 (March 11, 2020); March 16, 2020 Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic (as supplemented several times). The Court did not postpone the plea, because the Court found that a delay of the plea would cause serious harm to the interests of justice. Namely, any delay in the proceedings could result in the defendant serving more time in jail than his potential guideline sentence.

After the hearing, and for the reasons orally assigned, it is the finding of the undersigned that the defendant is fully competent, that his plea of guilty is knowing and voluntary, and that his guilty plea to Count 1 is fully supported by a written factual basis for each of the essential elements of the offense.

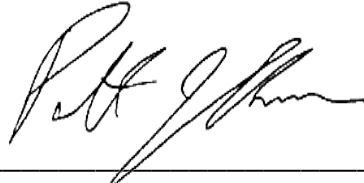
Additionally, the defendant voluntarily waived the fourteen-day objection period that would otherwise be available under 28 U.S.C. § 636. (Rec. Doc. 37).

Therefore, the undersigned United States Magistrate Judge recommends that the District Court **ACCEPT** the guilty plea of the defendant, Alex Simien, Jr., in accordance with the terms of the plea agreement filed in the record of these

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proceedings, and that Simien be finally adjudged guilty of the offense charged in Count 1.

THUS DONE AND SIGNED in chambers, at Lafayette, Louisiana, on November 19, 2020.

A handwritten signature in black ink, appearing to read "Patrick J. Hanna", written over a horizontal line.

PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE